

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-CR-20524

PHILLIP CLAUDIUS GRAY,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS**

Pending before the court is Defendant Phillip Claudius Gray's "Motion to Suppress." The court held an evidentiary hearing on February 11, 2009, in which the Government presented an off-duty sheriff's deputy who testified to personally witnessing Defendant committing a "hand-to-hand" drug transaction. Based on this testimony, and for the reasons stated on the record, the court concludes that there was more than ample probable cause to effectuate a lawful arrest, in that "there were sufficient facts and circumstances to warrant a prudent officer to believe that the suspect had committed or was about to commit an offense." *Meadows v. Thomas*, 117 Fed. App'x 397, 402 (6th Cir. 2004). Because Defendant's argument for suppression was predicated on an illegal arrest (Def.'s Mot. at 4), the legal arrest here negates Defendant's argument. Accordingly,

IT IS ORDERED that Defendant Phillip Claudius Gray's "Motion Suppress" [Dkt. # 15] is DENIED.

s/Robert H. Cleland

ROBERT H. CLELAND

UNITED STATES DISTRICT JUDGE

Dated: February 13, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 13, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk

(313) 234-5522